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	First Named Inventor	KENNETH A. FRANKEN
	Art Unit	2174
	Examiner Name	P. KE
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

In re Application of:

Kenneth A. Franken et al.

Application No: 09/681,172

Filed: February 8, 2001

For: INDIVIDUALIZED
CONTENT GUIDE

§ Group Art Unit: 2174
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§ Examiner: P. Ke
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§ Attorney Docket: 00F1464
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REPLY BRIEF

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

No new issues are being raised by this Reply Brief. The content of this reply brief is being limited solely to carefully analyzing and rebutting the statements made by the Examiner in the Examiner's Answer.

The Examiner, in two adjacent sentences, on the bottom of page 7 and the top of page 8 of the Examiner's Answer, makes inconsistent statements.

definition of views. (Page 7 of applicant's brief) Lawler's invention does not organize television programs based on their source, because there is only one broadcasting source at the time. (see Lawler, column 3, lines 25-31) However, if there were multiple broadcasting sources, Lawler would have provided a view based on their broadcasting source because Lawler was always organizing TV programs based on their sources. (column 5, lines 45-60) Lawler displayed

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It is unclear as to what the Examiner is saying. Is the first statement that “Lawler’s invention does not organize television programs based on their source,” the Examiner’s view, or is the very next sentence the Examiner’s position where it is said that “Lawler was always organizing TV programs based upon their sources”?

What is clear is that the Examiner carelessly misstates the contents and teachings of both the Lawler and Shoff references.

Lawler is an interactive system utilizing a cable system and a set-top box. The STB contains an EPG which is populated by the cable system. All of the programming that is available via this system is contained in the Lawler EPG data, irrespective of its ultimate source. The Lawler EPG data can be sorted in different manners, such as by time or category.

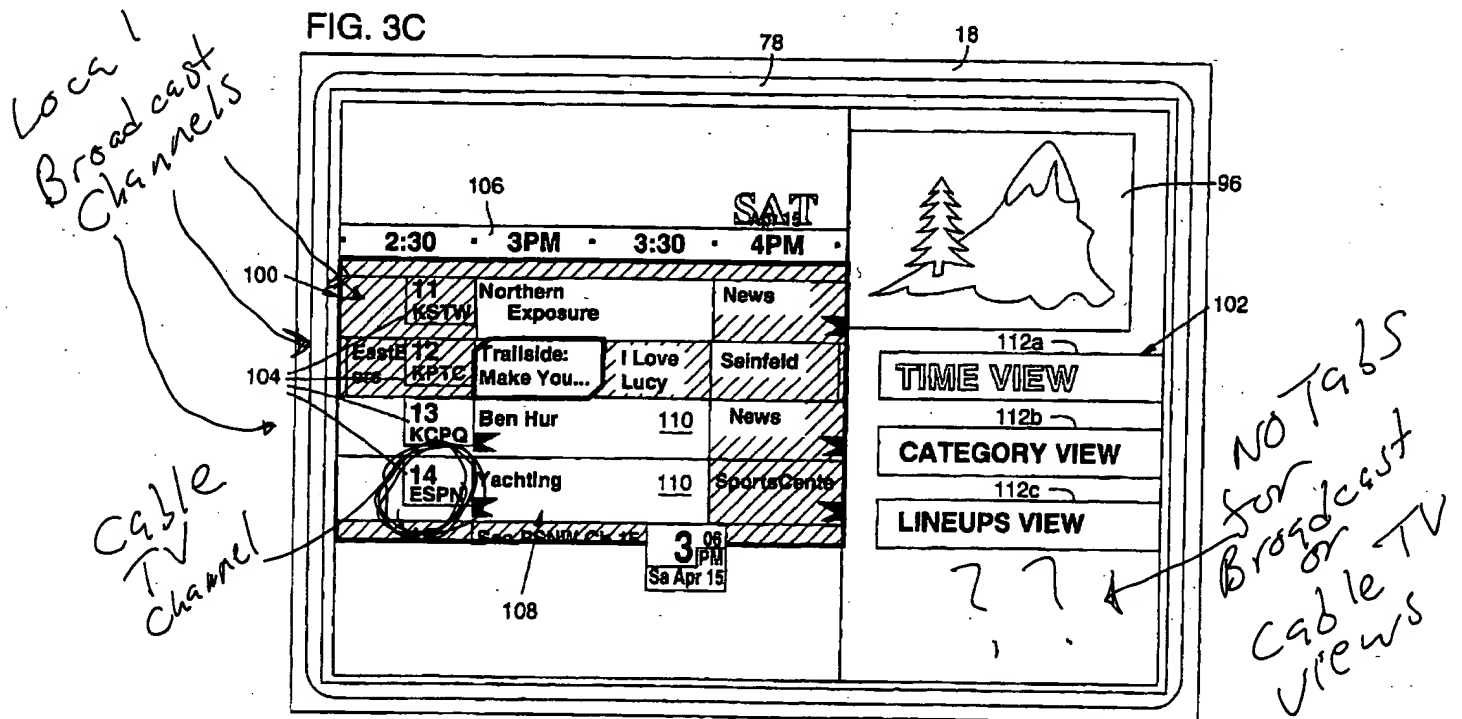
The Examiner also makes several additional incorrect and unsupported statements. The Examiner states:

1. “if there were multiple broadcasting sources Lawler WOULD HAVE provided a view based on their broadcasting source” (emphasis added).

The Examiner appears to be saying if Lawler had additional sources, such as Satellite and Programming over the internet, then Lawler would have added those buttons in the menu 102. However, while Lawler does have only a single source of television programming (cable), it does display in Fig. 3C both local television channels (originally from a broadcast TV source) and a cable channel ESPN and

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does not have separate buttons for Broadcast and Cable, to help the user. There is no suggestion that one would want to implement dedicated tabs for different types of programming since they both are present albeit delivered over a single cable source. This omission of any menu buttons for Broadcast TV and Cable TV is a teaching away from the unsupported notion that Lawler would have used separate tabs if additional sources of programming were present. See the annotated Fig. 3C below.



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As shown in FIG. 3C, the title for time view selection block 112a is rendered differently from the titles of selection blocks 112b and 112c to indicate that time guide 100 is currently displayed. Selective programming guide 80 of this invention is accessed when a viewer moves a cursor to lineups view block 112c and depresses action key 91. Programming guide selection menu 102 is shown positioned below preview display window 96 of program summary panel 94. It will be appreciated that this position of selection menu 102 is preferred, but that menu 102 could alternatively be rendered at virtually any position on display screen 78.

FIG. 5 is a flow diagram showing a method of identifying predetermined characteristics of programming that a particular viewer receives from IT system 10. This method provides a viewer preferences database of the characteristics of programming the viewer selects or receives. The viewer preferences database represents a viewing history that forms a basis for identifying future preferred programming for the viewer.

More specifically, most viewers have relatively regular viewing habits. Determining a viewing history for a viewer

The Applicant can see nothing in the Fig. 3C or the portion of column 5 that the Examiner cites which supports the notion that Lawler WOULD HAVE provided additional tabs for separate views based upon sources of programming. The Lawler excerpt refers to moving the cursors in Fig 3C, e.g. from Time to Lineups and to the notion of saving characteristics of various past program selections to aid in future program selections. Since the Lineups button remains on the display when the Time button is pressed in Fig 3C, presumably the menu 102 remains static except for highlighting of the button currently being displayed. There is no hint or suggestion that

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one would have additional separate tabs for each source of programming; e.g., a Satellite tab, a Broadcast TV tab or a tab for Programming Delivered over the Internet.

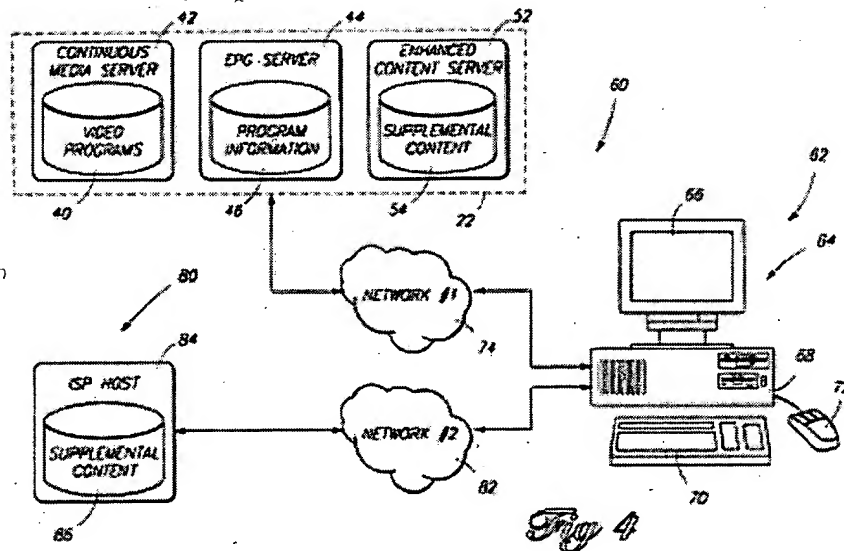
In the Examiner's Answer, the Examiner goes on to misstate what Shoff teaches.

Shoff discloses an device that receives television signals from multiple sources, such as the internet, the traditional television broadcasting, and the satellite broadcasting. (column3, lines 14-27, column 4, lines 40-55)

This is not correct. Shoff is an interactive system that provides supplemental information along with a stream of programming. An EPG is stored in memory. A browser is only launched if the currently viewed program has supplemental information associated with it. The browser has nothing to do with the viewing or use of the EPG. While the supplemental information can be provided separate from the actual broadcast being received, it is not an option or "view" that the viewer can peruse at will.

Fig. 4 in Shoff, reproduced below, shows only a single source of television signals.

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Network 74 is the only network shown for providing television programming.

The Examiner misstates network 74 as being multiple networks for providing television programming. Yes, there are many alternative types of networks which could comprise network 74, and it can be made up of multiple types of sub-networks (i.e., it can be a hybrid network), but Shoff only teaches using a single network (whatever it is) for delivery of television programming. Network 82 is a network for the purpose of providing the supplemental interactive content or data and not television programming.

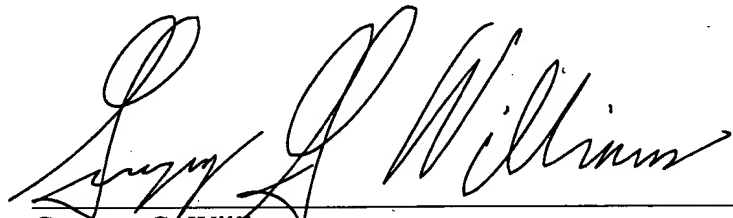
So neither Lawler nor Shoff teaches having multiple sources of television programming. Since neither reference teaches having multiple sources, it is not obvious to have an EPG with tabs dedicated to each of the multiple sources.

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The only mention in the file history to having a plurality of tabs on the periphery of an electronic program guide (EPG) where the tabs are dedicated to a plurality of sources of programming, is in the application itself.

Neither Lawler nor Shoff teaches this notion. The pending claims are clearly allowable over the cited references.

Respectfully submitted,

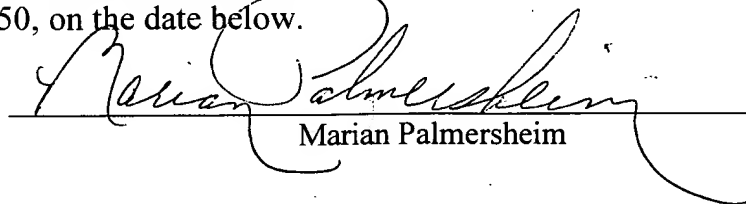
A handwritten signature in black ink, appearing to read "Gregory G. Williams", written over a horizontal line.

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Marian Palmersheim